

PLAN APPROVAL (CUB) ADDITIONAL INFORMATION/FINDINGS 22-24 WINDWARD AVE

BACKGROUND

The subject property is a level, rectangular-shaped, corner parcel of land comprised of two lots tied together, being 4,045 sq. ft. and having a frontage of 50 feet on the south side of Windward Ave with a depth of 80 feet and zoned C2-1-CA (Lot 25-26 Block 2, Tract Venice of America, ARB None, Map Reference MB 6-126/127). The tied lots are improved with a 1,230 square foot, one-story restaurant with parking lot built in 1985.

CIRCULATION

Windward Avenue, fronting the subject site, is designated as a Collector Street with a 60-foot wide dedication and all improvements including curbs, gutters, sidewalk, and street lights.

Speedway, adjacent to the subject property, is designated a Local Street with a width of 20 feet and improved with asphalt only.

RELATED PRIOR CASES

Subject Property:

Case No. ZA 93-1128 (CUB)- On March 31, 1994, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant (Coffee Q Sympathy) accommodating approximately 70 persons in an outdoor patio area.

Case No. 91-0093(ZV)- On June 1, 1992, the Zoning Administrator approved a zone variance, pursuant to the provisions of Section 12.27-B of the Municipal Code, to permit an open air sales kiosk with a total square footage of 76 square feet, as not permitted in the C2 Zone under Section 12.14-A of the Municipal Code.

Case No. YV 80-701 - On March 21, 1981, the Zoning Administrator approved an area variance to permit the construction, use and maintenance of a three-story, mixed-use building observing reduced side and rear yard setbacks.

Case No. CDP 79-65 - On April 19, 1980, the Zoning Administrator approved a coastal development permit authorizing the construction of a three-story, 1400 square-foot, mixed use building.

Surrounding Properties:

Case No. ZA-2009-27-CUB- On January 28, 2010, the Zoning Administrator approved a Conditional Use Permit to allow beer and wine for on-site consumption, 76 seat occupancy, in conjunction with an existing 3,121 square foot restaurant.

Case No. APCW 2008-0317(SPE)(CUB)(ZV)(CDP)(SPE)- On September 25, 2008. The Area Planning Commission approved a Conditional Use to upgrade the hotel's existing beer and wine license to a full

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line of alcoholic beverages and to permit the expansion of alcohol service area from the existing ground floor indoor and outdoor cafe and to the new roof deck outdoor café.

Case No. ZA 2006-1951(CUB)- *On November 13, 2006, the Zoning Administrator approved a Conditional Use Permit for the sale and dispensing of beer and wine only for off-site consumption within an existing 1,786 square-foot market.*

Case No. ZA 97-0784(CUB)- *On June 16, 1998, the Zoning Administrator approved a conditional use to permit the sale and dispensing for consideration beer and wine as an accessory use to a restaurant.*

Case No. ZA 91-0851(CUB)(ZV)(YV)- *On December 19, 1991, the Zoning Administrator approved the sale and dispensing for consideration of alcoholic beverages for on-site consumption in conjunction with two restaurants having a combined seating capacity for a maximum of 246 patrons, with said restaurant having hours of operation from 7 a.m. to 10 p.m., Monday through Thursday, 7 a.m. to midnight on Friday and Saturday and 7 a.m. to 8 p.m. on Sunday.*

Case No. ZA 86-1346(CUB)(CUX)- *On April 1, 1987, the Zoning Administrator approved a conditional use permit at 23-25 Windward Avenue, to permit the sale of alcoholic beverages and dancing within a restaurant and bar with live entertainment, accommodating 150 patrons, with hours of operation from 10 a.m. to 2 a.m., seven days a week.*

FINDINGS

1. Provide a copy of the original entitlement, together with any appeals.

The original entitlement is included in the file.

2. Explain how the location of the project will be desirable to the public convenience and welfare, proper in relation to adjacent uses of the development in the community, and not detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

A Conditional Use, ZA 1993-1128, was approved for 22-24 Windward Avenue on March 31, 1994 to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant accommodating "approximately" 70 persons in an outdoor patio area. Hours of operation were limited by Conditional no. 6 to be from 9:00am to 9:00pm.

The applicants are requesting a Conditional Use Plan Approval to modify the hours of alcohol service to 11:30am-11:30pm Monday through Wednesday, 9:30am-2am Thursday through Saturday, 9:30am-12:30am on Sunday, and to increase the number of seats allowed to 84; 14 being located inside and 70 in the outdoor patio that is located within the property line. The total number of hours requested by the applicant is less than the 20-percent threshold for deviation as required by the Planning Department. The bulk of the restaurant's seating is located in said patio area to accommodate patrons who overwhelmingly prefer to enjoy their meal in a patio a few yards from the beach. The additional seating requested can be accommodated within the allowable Fire Department occupancy standards which are 15 for the interior dining area and 82 for the patio.

The subject restaurant is located on Windward Avenue in the eclectic and bustling Venice Boardwalk area of Los Angeles that the Venice Community plan calls one of the "(f)ocal points of the Venice Beach...where residents and visitors alike flock to entertain or be entertained."¹ According to the Venice Chamber of Commerce, Venice Beach is the largest tourist attraction in Southern California with 16 million visitors in 2004 alone. As a result, there are hundreds of retail booths and shops and thousands of hotel, hostel, and rental units in the immediate vicinity. Restaurants are a crucial element of this vibrant commercial area and accommodations should be made to buttress their

attempts at remaining viable in the long run, as well as their efforts to provide the commensurate services that this unique location requires.

Approving the extension of closing hours as well as the additional seats conforms to the Community Plan which states as a goal, *"To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas."*² The Community Plan takes into consideration that the area in question is dependent upon their approved entitlements and allows, not only for their preservation, but also for the fluidity and growth that is at the heart of this request. Other restaurants in the vicinity serve alcohol until 2:00am. Extending the hours of service for 22-24 Windward will complement the existing services offered in the area and enhance the Venice Boardwalk area's position as a vibrant nightlife destination. Not allowing the evolution of approved entitlements will have a negative impact on the surrounding community and the Boardwalk itself, as the area maintains a unique pedestrian orientation that would benefit from the approval of the instant request. Extended service hours would accommodate tourists and visitors that are drawn to the Boardwalk to enjoy the long, warm Southern California summer days. Many of these visitors will choose Windward Avenue to enjoy the option of having beer or wine with a meal later than 9:00pm.

Allowing this request will not be a detriment to the character of the surrounding area as there have been no Alcohol Beverage Control violations on the property since a license was first approved there in 1995. The applicants will continue this exemplary record of compliance with State and Municipal codes.

The property is zoned commercial and, moreover, the project is on a busy corridor that houses many retail and service associated uses. In these ways, the project is beneficial to the character of the neighborhood, serves the aims of the Plan, and is desirable to the public convenience and necessity.

1. Venice Community Plan, Chapter III, Recreation and Park Facilities, Page III-14
2. Venice Community Plan, Chapter 3, Land Use Policies and Programs, General Commercial, Objective 2-1, Page III-8

3. Is this application for a deemed-to-be approved conditional use permit or a conditional use plan approval?

This application is for a Conditional Use Plan Approval.

4. What is the current Zoning of the property? What was the zoning when the building was built?

The zoning of the property is C2-1-CA.

5. The subject property is a level, rectangular-shaped, corner parcel of land comprised of two lots tied together.

6. Describe how the site is developed, including details such as square footage of buildings, occupancy loads, stories, number of seats, ect.

The site is currently developed with a one-story, 1,230 square foot restaurant. There is seating available for (4) four patrons inside and 70 on the patio in conformance with the exhibits in ZA-93-1128. The occupancy load for both the interior and the exterior can accommodate the additional seating requested.

7. Surrounding Properties are zoned:

Properties to the north and northwest are zoned C2-1-CA and properties directly across from the subject premises are developed with a three-story hotel and restaurant, as well as a parking lot and retail shopping booths.

Properties to the west and southwest located across Speedway (designated a "local street") are zoned C2-1-CA and are developed with retail shopping booths that front the Venice Boardwalk.

The property to the southeast and to the rear of the subject property is zoned C2-1-CA and is developed with The Hotel Erwin complex, a five-story, 68,000 square foot hotel and restaurant/lounge.

Properties directly to the East and Northeast are zoned C2-1-CA and are developed with one and two-story retail and restaurant establishments.

8. If you are rebuilding, is it on the same foundation? Are you adding floor area?

There is no proposed construction or addition of floor area.

9. Is a conditional use permit now on the property? What section of the Municipal Code permits the use?

ZA 1993-1128(CUB) is currently associated with the property. Section 12.24-W,1 permits the conditional approval of the associated alcohol entitlement and the Los Angeles Zoning Code section regarding the C2 zone permits the restaurant use.

10. Is the use site the same size it was when it was established?

The use site is the same as when it was established.

11. Was the use discontinued for a year or more?

The use has not been discontinued for a year or more.

12. How many parking stall are now on site? Standard? Compact? How many parking stalls were on site on the date that the use became established? How many parking stalls will be required by Code for the proposed addition? What will be the total number of parking spaces required by Code for this site, if this application is approved?

There are one disabled and six compact parking stalls located on site. There is no proposed addition of floor area or change of use associated with this request; therefore, there is no change in the amount of parking required. The original grant did not require any additional parking.

13. The initial building permit was approved on July 10, 1985 (WLA 51784/84 & 56463/85).

14. How many retail uses did you have originally? How many are you proposing? Parking spaces to be provided?

There are no proposed retail uses. 7 parking stalls are required and provided.

15. Will the approval of the application at this location adversely affect the economic welfare of the community?

A restaurant has operated with a valid ABC license and a City Planning Grant for alcoholic beverages at this location as early as 1995. There have been no adverse effects to the economic welfare of the community due to this entitlement, as it is not inhibiting any other business in the area; to the contrary, expanding the existing service will benefit the overall economic welfare of

the community. Approval of the request will enhance the character of a highly visible and active commercial and institutional area and will strengthen the economic vitality of the area.

There is no evidence which suggests or concludes that the economic welfare of the community will be at risk if the subject request is approved. In fact, the enhanced patio area and restaurant hours can only draw more patrons to the area, increasing sales and drawing additional customers and revenue to neighboring businesses and the area as a whole.

In addition, the restaurant use provides employment for the community, tax revenues, and investment in property improvements. There is every expectation that the restaurant will provide an increased economic benefit to the larger community if the application is approved.

16. Will the approval of the application result in or contribute to an undue concentration of such establishments?

The premises is currently licensed, therefore, an approval of the subject request would not increase the number of licenses.

17. Will the approval of the application detrimentally affect nearby residentially zoned properties?

The subject site has housed a restaurant for 25 years. The approval of an extension of hours and seats would not be detrimental to any surrounding residentially zoned properties. The extension of operating hours will contribute to a safer immediate area due to increased foot traffic and the positive attention of the restaurant. Furthermore, the nearest residentially zoned properties are located on the other side of the Erwin Hotel.

Since 1995, there have been no Alcohol Beverage Control Violations on the property. The applicants have operated the current license, #485830, without incident, as well. There is no reason to assume that this record of responsibility and compliance with State and City codes will not be continued with this request. The property and the applicant will not be a detriment to any residential properties in the area.

A paid employee of the establishment who has been through the STAR training shall be in the patio area whenever alcoholic beverages are being served. In addition, there will be the required partition between the sidewalk and patio area, as required by ABC.

The applicants will ensure that noise levels do not exceed what is allowed by the Los Angeles Municipal Code. Due to these reasons, approval of the application will not detrimentally affect nearby residentially zoned properties.

18. What are the proposed hours of operation and which days of the week will the establishment be open? What are the proposed hours of alcohol sales?

Proposed hours of operation and alcohol sales are the same, 11:30am-11:30pm Monday through Wednesday, 9:30am-2am Thursday through Saturday, 9:30am-12:30am on Sunday.

Total weekly hours allowed under 93-1128 (CUB)	84 hours/week
20% increase to existing weekly hours	16.8 hours/week
Total hours allowed within 20% increase	100.8 hours/week
Total weekly hours proposed	97.5 hours/week
Total annual hours allowed under 93-1128 (CUB)	4,380 hours/year
20% increase to existing annual hours	876 hours/year
Total hours allowed within 20% increase	5,256 hours/year
Total hours proposed	5,226 hours/year

19. What is occupancy load as determined by the Fire Department? What is the proposed seating in all areas?

The approximate Fire Department occupancy is 15 for the interior dining area and 82 for the patio. The proposed seating layout is 14 for the interior and 70 on the patio, for a total of 84.

20. Is parking available on site? If spaces are not available on the site, have arrangements been made for off-site parking by lease or by covenant? Where? How many off site spaces?

There are one disabled and six compact parking stalls located on site. There is no proposed addition of floor area or change of use associated with this request; therefore, there is no change in the amount of parking required. The original grant did not require any additional parking.

21. Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, and karaoke?

Live entertainment will continue in accordance with condition number 5 of the original approval which reads;

That the hours of live music allowed are from 3:00pm to 9:00pm during daylight savings time and 3:00pm to 6:00pm during non-daylight savings time. No more than a five piece musical group is allowed and no amplified music is permitted.

Low level ambient music will also be played on a house sound system during all hours of operation. This and live entertainment will adhere to the LAMC (both Planning and Zoning and Police Sections) regarding sound levels.

22. Is a full line of alcoholic beverages to be served or just beer and wine?

Beer and Wine is currently being served on the premises with an active ABC Type 41 license that is being transferred to the applicants.

23. Will cups, glasses, or other similar containers be sold which might be used for the consumption of liquor on the premises?

No cups, containers, or anything similar shall be furnished to patrons to be used for consumption off the premises.

24. If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities.

There is no cocktail lounge on the premises.

25. Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department in the last 365 days and if so, for what reasons?

No, the applicant has not had any violations from ABC.

26. Will video game machines be available for use on the subject property and if so, how many such machines will be in use?

No video game machines are available for use on the subject property.

27. Will you have signs visible on the outside which advertise the availability of alcohol?

No, there will be no visible signs on the outside of the restaurant which advertise the availability of alcohol.

27. Will alcohol be served without a food order? Will there be a kitchen on the site as defined in the Los Angeles Municipal Code?

Alcohol will not be served without food order. There is a bona fide kitchen on-site, as defined in the Los Angeles Municipal Code.

a. Will beer or wine coolers be sold in single cans or will wine be sold in containers less than 1 liter?

No.

b. Will "fortified" wine be sold?

No.

c. Will off-site sales of alcohol as a secondary use to on-site sales occur?

No.

d. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?

There is currently a Happy Hour on site from 4:00pm to 7:00pm.

e. Will security guards be provided and if so, when and how many?

There will be no security guards provided.

f. Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant?

There will be no alcohol allowed to be consumed on any adjacent property under the control of the applicant.

g. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?

No.

h. Provide a copy of the menu if food is to be served.

Attached

i. Remember to contact the State Alcoholic Beverage Control regarding its requirements at the appropriate office.

j. How many employees will you have on the site at any given time?

There are 7 employees on-site at any given time.

k. What security measures will be taken including?

1) Posting of Rules and Regulations on the premises.

Rules and regulations shall be posted prominently on the walls adjacent the entrances.

2) To prevent such problems as gambling, loitering, theft, vandalism, and truancy.

Staff and management shall monitor and discourage the above activities. Any such activity will be addressed, documented and if necessary, the appropriate authorities will be contacted.

3) Will security guards be provided and if so, when and how many?

There will be no security guards provided.

4) Other measures.

The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.

l. Will there be minimum age requirements for patrons? If so, how will this be enforced?

No. This establishment remains a restaurant open to patrons of all ages.

m. Are there any schools, churches, or parks within 1,000 ft of your proposed business?

The portion of Venice Beach in the immediate vicinity is considered a public park.

n. For massage parlor or sexual encounter establishment applicants: are there any other adult entertainment businesses within 1,000 feet of your proposed establishment?

Not applicable.